

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Wesley Mullins,

Civil No. 04-5050 (PAM/FLN)

Plaintiff,

v.

**ORDER**

Chris Salazar, Sgt. Hurd,  
C.O. Gary, C.O. Valentine,  
Ronald Ligions, Greg Smith,  
and Lt. T. Putzier,

Defendants.

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The above-entitled matter comes before the Court on two Reports and Recommendations of United States Magistrate Judge Franklin L. Noel: one dated August 15, 2006 and one dated August 17, 2006. No objections have been filed to the Reports and Recommendations in the time period permitted. Moreover, a de novo review of the record shows that the Magistrate Judge properly disposed of this action. See 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). Specifically, summary judgment in favor of the moving Defendants<sup>1</sup> is appropriate because undisputed evidence shows that Plaintiff failed to exhaust his administrative remedies. In addition, the record shows that Plaintiff has not properly served Defendant Ligions.

Accordingly, based upon the Reports and Recommendations, and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

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<sup>1</sup> Defendants Salazar, Hurd, Gary, Valentine, Smith, and Putzier filed a Motion for Summary Judgment on February 28, 2006.

1. The Court **ADOPTS** the Report and Recommendation dated August 15, 2006 (Docket No. 37);
2. Defendants' Motion for Summary Judgement (Docket No. 25) is **GRANTED**;
3. Claims against Defendants Salazar, Hurd, Gary, Valentine, Smith, and Putzier are **DISMISSED without prejudice**;
4. The Court **ADOPTS** the Report and Recommendation dated August 17, 2006 (Docket No. 38); and
5. Claims against Defendant Ligions are **DISMISSED without prejudice**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: September 16, 2006

s/ Paul A. Magnuson  
Paul A. Magnuson  
United States District Court Judge